

EXHIBIT D

DOCUMENT REDACTED

CRYSTAL M. LONG
LONG vs ABILITY RECOVERY SERVICES

February 19, 2018

1

CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CRYSTAL LONG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No:
	:	8:17-cv-01955-GJH
PENDRICK CAPITAL	:	
PARTNERS, II, LLC,	:	
	:	
ABILITY RECOVERY	:	
SERVICES, LLC,	:	
	:	
EXPERIAN INFORMATION	:	
SOLUTIONS, INC.,	:	
	:	
and	:	
	:	
EQUIFAX INFORMATION	:	
SYSTEMS, LLC,	:	
	:	
Defendants.	:	

CONFIDENTIAL DEPOSITION OF CRYSTAL M. LONG

Monday, February 19, 2018
1:01 p.m.The Goldson Law Office
1734 Elton Road
Suite 210
Silver Spring, Maryland

Terry L. Bradley, Court Reporter

APPEARANCES OF COUNSEL

For the Plaintiff:

THE GOLDSON LAW OFFICE
INGMAR B. GOLDSON, ESQ.
COURTNEY WEINER, ESQ.
1734 Elton Road
Suite 210
Silver Spring, MD 20903
T-240.780.8829
E-igoldson@goldsonlawoffice.com

For the Defendant Ability Recovery
Services, LLC:

MARSHALL, DENNEHEY, WARNER, COLEMAN
& GOGGIN
RONALD M. METCHO, II
2000 Market Street
Philadelphia, PA 19103
T-215.575.2595
E-rmetcho@mdwcg.com

For the Defendant Pendrick Capital
Partners II, LLC:

SESSIONS, FISHMAN, NATHAN & ISRAEL
MORGAN I. MARCUS, ESQ.
120 South LaSalle Street
Suite 1960
Chicago, IL 60603
T-312.578.0990
E-mmarcus@sessions.legal

1 INDEX OF EXAMINATION

2		
3	EXAMINATION	PAGE
4	By Mr. Metcho.	4
5	By Mr. Marcus.	65

~~~~~

## 7 INDEX OF EXHIBITS

|    |                                |    |
|----|--------------------------------|----|
| 8  |                                |    |
| 9  | **1. TransUnion Report 4/26/17 | 57 |
| 10 | **2. Mint Notification         | 75 |

11 \*\*CONFIDENTIAL

12 (Original Exhibits retained by Court Reporter.)

13 ~~~~~

P R O C E E D I N G S

CRYSTAL M. LONG,

having been first duly sworn, testified as  
follows:

EXAMINATION

BY MR. METCHO:

Q. You ready?

Good afternoon, Ms. Long. My name  
is Ron Metcho. I'm with the law firm of  
Marshall, Dennehey, Warner, Coleman & Goggin.  
I represent an entity by the name of Ability  
Recovery Services LLC in a lawsuit that has  
been filed in the United States District Court  
for the District of Maryland. Alongside me  
here is Morgan Marcus, who represents Pendrick  
Capital Partners, who is the creditor at issue  
in this particular matter. And I'd like to  
thank you for being here today.

You know, I know that Mr. Marcus  
needs to get on a flight at approximately

1 4 o'clock, so we'll try to streamline this as  
2 much as we can and move this along, okay?

3 So just to give you a roadmap of  
4 what we're going to do today, I'd just like to  
5 get some background information on you, we're  
6 going to discuss the allegations in your  
7 complaint, we're going to talk some about your  
8 employment, also about your credit history, and  
9 then just some follow-up questions by Mr.  
10 Marcus as well pertaining to the allegations  
11 against his client?

12 MR. GOLDSON: Has Pendrick actually  
13 noticed --

14 Has Pendrick noticed for this  
15 deposition?

16 MR. MARCUS: Do you have issues with  
17 Pendrick asking --

18 -- with my asking follow-up  
19 questions? I guess I can notice a separate  
20 deposition for her, but I thought it would be  
21 unnecessary.

22 MR. GOLDSON: I don't know if

1 it's --

2 MS. WEINER: Well, we are, you know,  
3 dismayed by the lack of compliance with  
4 procedure, but it seems to me that it's --

5 MR. GOLDSON: It's fine.

6 MS. WEINER: -- it's fine, but  
7 perhaps in the future you should follow the  
8 Rules of Civil Procedure.

9 MR. GOLDSON: All right.

10 MR. METCHO: So, is it okay if --

11 MR. GOLDSON: Yeah, it's fine.

12 BY MR. METCHO:

13 Q. Okay. Very good. Let's get back on  
14 track here.

15 Ms. Long, please state your full  
16 name for the record, please.

17 A. Crystal Michelle Long.

18 Q. Okay. Have you ever been deposed  
19 before?

20 A. No.

21 Q. Have you ever been involved in a  
22 lawsuit before?



1           A.       No.

2           Q.       Okay. So what we're going to do  
3 today is we're going to ask a series of  
4 questions, again, regarding the allegations in  
5 your complaint, the allegations against my  
6 client, and also against Pendrick. We do not  
7 have representatives of the other two remaining  
8 defendants, Experian and Equifax here, so you  
9 know, we'll leave it that. Again, this is your  
10 first instance in sitting in a deposition?

11          A.       That's correct.

12          Q.       So what I'd like to ask you to do is  
13 listen to the full question I ask you, give  
14 your counsel an opportunities to object if it's  
15 necessary, and then provide a complete answer  
16 to the questions. What we don't want to do  
17 is --

18                   We want to have a complete record  
19 for the Court, so please refrain from saying  
20 such things as "uh-huh" and "yes" and "no"  
21 answers and complete answers to the best of  
22 your ability, okay?

1                   What is your current address?

2           A.       12706 Fairwood -- that's  
3   F-A-I-R-W-O-O-D -- Parkway, Bowie Maryland,  
4   20720.

5           Q.       How long have you lived there?

6           A.       5 years.

7           Q.       Do you own or rent the space?

8           A.       I own.

9           Q.       Okay. How much is approximately  
10   your mortgage payment monthly?

11          A.       1933.

12          Q.       Are you married?

13          A.       No.

14          Q.       Do you have any children?

15          A.       No.

16          Q.       Have you ever been married?

17          A.       No.

18          Q.       What's your current telephone  
19   number?

20          A.       240-464-8476.

21          Q.       Do you have any dependents?

22          A.       No.

1 Q. Do you live alone?

2 A. Yes.

3 Q. Just a little bit about your  
4 educational background. What's your highest  
5 level of education?

6 A. Master's degree.

7 Q. Where did you get your Master's  
8 degree from?

9 A. Walden University, W-A-L-D-E-N.

10 Q. And what is the Master's degree in?

11 A. Business.

12 Q. I'm assuming you have an  
13 undergraduate degree obviously?

14 A. I do.

15 Q. And where is that from?

16 A. Bowie State University.

17 Q. And what is your undergraduate  
18 degree in?

19 A. Business.

20 Q. Where did you go to high school?

21 A. Jenks High School.

22 Q. And where is that located?

1 A. Jenks, Oklahoma.

2 Q. How long did you live in Oklahoma?

3 A. Um, let's see. From 3rd grade to  
4 senior high school. I'm not sure how old you  
5 are in when you're in 3rd grade.

6 Q. When did you relocate to --

7 Excuse me. When do you move to  
8 Maryland from Oklahoma?

9 A. 1999.

10 Q. And what was the reason for the  
11 move?

12 A. To attend college.

13 Q. Okay. Who's your current employer?

14 A. Trusted Health Plans Inc.

15 Q. Can you spell that, please?

16 A. T-R-U-S-T-E-D, Plans, P-L-A-N-S,  
17 Inc.

18 Q. And how long have you been at this  
19 place of employment?

20 A. A year and 5 months.

21 Q. Okay. Now was this the place of  
22 employment --

1           This was not the place of employment  
2           that you were at in regards to the allegations  
3           in your complaint. Is that correct?

4           A.     I don't understand your question.

5           Q.     In your complaint you allege that  
6           you were employed at a certain place between  
7           roughly November of 2016 through May of 2017.

8           A.     Yes.

9           Q.     This was a different --

10          A.     That's Trusted Health Plans Inc.

11          Q.     You were at the same place?

12          A.     Yes.

13          Q.     Okay. And what do you do at Trusted  
14          Plans Inc?

15          A.     I am the Director of Health Plan  
16          Accounting. I run the finance department.

17          Q.     Can you describe what your daily  
18          activities of your work are.

19          A.     That would include overseeing the  
20          staff accountants, the temps, closing the  
21          books, approving financial transactions, and  
22          reviewing staff accountants' work.

1 Q. What do you mean by "closing the  
2 books"?

3 A. That would include ensuring that the  
4 bank reconciliations are reconciled, that  
5 includes approving payments, that includes  
6 reviewing invoices for approval, that includes  
7 issuing financial statements.

8 Q. Issuing financial statements to  
9 whom?

10 A. To the CFO to be presented to the  
11 Board of Directors.

12 Q. And how long have you been at this  
13 place of employment?

14 A. A year and 5 months.

15 Q. When you first began at this place  
16 of employment what was your original position?

17 A. Senior Account Manager.

18 Q. Have you had the same position at  
19 this place of employment throughout your entire  
20 employment?

21 A. I'm not sure of your question. Can  
22 you repeat it.

1 Q. Sure. When you began working this  
2 job have you had different positions throughout  
3 your employment?

4 A. Yes.

5 Q. Can you please tell me about each  
6 one of your positions of employment.

7 A. I was the Senior Account Manager --

8 Q. Let's step back a second. When you  
9 first started what was your employment  
10 position?

11 A. Senior Account Manager.

12 Q. Okay. And what was your next  
13 employment position?

14 A. Acting Controller.

15 Q. What did you do as the Senior  
16 Account Manager?

17 A. I oversaw the payroll AP clerk, I  
18 created journal entries, I did bank  
19 reconciliations.

20 Q. Okay. And to your second position,  
21 what did you do under that position?

22 A. I then oversaw the staff accountants

1 and the senior accountants when they were  
2 there, and issued the financial statements.

3 Q. And I'm a bit confused about you've  
4 stated several times "issuing financial  
5 statements". Can you delve a little bit more  
6 into that. What that actually entails.

7 A. Preparing financial statements for  
8 the CFO to review.

9 Q. And what type of information is in  
10 these financial statements?

11 A. Information that you would find on a  
12 balance sheet, income statement, cash flow.

13 Q. How often do you prepare them?

14 A. Monthly.

15 Q. Does your employer check your credit  
16 score regularly?

17 A. I can't answer that question. I  
18 don't --

19 I'm not privy to what HR does on a  
20 regular basis.

21 Q. Are you aware of your employer ever  
22 checking your credit score?



1           A.       What I am aware of is that I signed  
2       an agreement indicating that I gave them  
3       permission to review my credit.

4           Q.       And are you aware of them ever  
5       checking your credit score?

6           A.       I can't speak to what the HR  
7       department does. All I can say is that I've  
8       given them permission to do so.

9           Q.       Are you personally aware of your  
10      employer ever checking your credit score?

11                  MR. GOLDSON: Objection.

12                  MR. METCHO: On what basis?

13                  MR. GOLDSON: Asked and answered.

14                  MR. METCHO: I don't believe the  
15      question was answered. You can --

16                  The objection is noted on the  
17      record.

18                  You can answer the question if  
19      you're able.

20                  THE WITNESS: Can you repeat the  
21      question.

22      BY MR. METCHO:

1 Q. Sure. Are you personally aware of  
2 your employer ever checking your credit score?

3 A. That is a question I cannot answer.  
4 I do not work in the HR department.

5 Q. Are you aware of your employer  
6 having a policy and procedure in place  
7 regarding checking your credit score or your  
8 credit reputation?

9 A. I cannot speak to the policies of  
10 HR. What I can speak to is that upon  
11 employment I gave them --

12 -- I signed a document, gave them  
13 permission.

14 Q. Permission for what?

15 A. To access necessary information,  
16 including my background check.

17 Q. Do you have this documentation?

18 A. No, I do not.

19 Q. Do you know who has the  
20 documentation? Does your employer have this  
21 documentation?

22 MR. GOLDSON: Objection.

1 MR. METCHO: On what basis?

2 MR. GOLDSON: You're asking her a  
3 question about another entity, not a personal  
4 knowledge.

5 MR. METCHO: We're in Federal Court.  
6 There are two objections. There's one to  
7 privilege, and this is not a privileged matter.

8 MR. GOLDSON: Uh-huh.

9 MR. METCHO: So again, I'll note the  
10 objection for the record.

11 You can answer if you're able.

12 THE WITNESS: Can you repeat the  
13 question.

14 BY MR. METCHO:

15 Q. Sure. Are you aware of your  
16 employer having a policy and procedure in place  
17 regarding the checking of your credit score?

18 A. I don't have enough information to  
19 answer that question. What I can say is that  
20 upon hiring I filled out a document indicating  
21 that I gave them permission to do a background  
22 check.

1 Q. What did the background check  
2 entail?

3 A. I can't speak to that. All I know  
4 is that I had to fill out information  
5 indicating that they could access my  
6 information. I provided my Social Security  
7 Number.

8 Q. When is the last time you checked  
9 your credit score?

10 A. The last time I checked my credit  
11 score probably was maybe a couple weeks ago.

12 Q. Why did you check it?

13 A. Why did I check my credit score?

14 Q. Yeah.

15 A. Because it was an option on my  
16 credit reporting.

17 Q. Option on your credit reporting?

18 A. Yes.

19 Q. What does that mean?

20 A. That means that when I log into my  
21 financial information they let me know if  
22 there's any changes to my credit, and I have

1 the option to see, so I clicked.

2 Q. How often do you do that?

3 A. It depends.

4 Q. When was the last time prior to that  
5 that you checked your credit score?

6 A. I can't give you a definitive date.

7 Q. Do you have an approximate date?

8 A. Approximately --

9 Approximately a month prior.

10 Q. When was the last time you applied  
11 for credit?

12 A. I can't recall.

13 Q. How many credit cards do you have?

14 A. I have three personal credit cards.

15 Q. Who are the credit cards with?

16 A. Chase, um, Barclay, and Sealy's  
17 Furniture something. S-E-L-E-Y, I believe.

18 Q. Do you have balances on these cards?

19 A. One.

20 Q. What's the current balance on the  
21 Chase card?

22 A. Zero.

1 Q. Barclay's card?

2 A. Zero.

3 Q. The Sealy's card?

4 A. No. I'm sorry. Sealy's --

5 -- or Barclay's about maybe 7200.

6 Q. What are your monthly payments on  
7 the Sealy's card?

8 A. The Sealy's is paid for. It doesn't  
9 have a balance.

10 Q. Okay. Which account do you have a  
11 balance on?

12 A. Barclay.

13 Q. Okay. The Barclay's account. When  
14 is the last time you made a payment?

15 A. Maybe a week and a half ago.

16 Q. And how much was the payment for?

17 A. \$500.

18 Q. Do you make monthly payments?

19 A. I do.

20 Q. How do you pay it? Do you pay it  
21 online? Do you pay it by check?

22 A. I pay it online through my banking

1 institution.

2 Q. Okay. Do you have student loans?

3 A. I do.

4 Q. Approximately how much are your  
5 student loans that are outstanding?

6 A. Collectively I would say about  
7 63,000.

8 Q. Do you pay those monthly?

9 A. I do.

10 Q. How much do you pay a month?

11 A. Collectively about 500 bucks.

12 Q. When you say "collectively", does  
13 that mean that you have multiple lenders for  
14 your student loans? Or are they through one  
15 entity?

16 A. They're two lenders. Yes.

17 Q. Who are the lenders?

18 A. Um, let's see. Navient. And what  
19 is the other one?

20 I can't think of the name.

21 Q. Okay. In your allegations in your  
22 complaint you allege that you deal with

1 millions of dollars of transactions. Can you  
2 describe that for me, please.

3 A. I oversee millions of dollars of  
4 transactions.

5 Q. What does that mean?

6 A. That means that I deal with a high  
7 volume of revenue in which I have access to and  
8 which I record and which I make payments from  
9 on behalf of the company I work for.

10 Q. And you also state in your  
11 allegations that your employer requires good  
12 credit and a solid financial reputation. How  
13 often or by what measure does your employer  
14 require you to have good credit?

15 A. Can you repeat the question.

16 Q. Sure. Again, your allegations state  
17 that your employer requires good credit and a  
18 solid financial reputation. How does your  
19 employer judge your good credit?

20 A. What I can say is that my position  
21 requires a great deal of trust, and working in  
22 the field of finance your reputation, as far as



1 good character, is also a reflection of your  
2 credit. So when I completed, signed the form  
3 for the background check, that is my  
4 understanding that that is how they measure.

5 Q. Have you ever discussed your credit  
6 history with your employer?

7 A. No.

8 Q. Has your employer ever questioned  
9 your credit history?

10 A. No.

11 Q. Has your employer ever questioned  
12 your financial reputation?

13 A. Define --

14 Can you define "questioned".

15 Q. Sure. I'll break it down to an even  
16 easier question. Has your employer ever asked  
17 you any questions regarding your financial  
18 background?

19 A. I'm going to say "yes", because I  
20 believe that's covered under the background  
21 check. That's where they would have inquired.

22 Q. Okay. When did this occur?

1 A. When I was hired.

2 Q. And what did they ask you?

3 A. They asked me to complete the  
4 document giving permission to do a full  
5 background investigation on me. I had to  
6 include my Social Security Number.

7 Q. Did you ever receive any feedback  
8 from this particular background investigation?

9 (Witness nodded.)

10 Can you answer "yes" or "no",  
11 please.

12 A. Not to my knowledge. Not that I can  
13 recall.

14 Q. Did anyone ever discuss your  
15 financial history with you at your place of  
16 employment?

17 A. No.

18 Q. Are you aware of your employer  
19 checking your credit at any time between  
20 November of 2016 and May of 2017?

21 MR. GOLDSON: Objection.

22 MR. METCHO: On what basis?

1 MR. GOLDSON: Asked and answered.

2 MR. METCHO: Objection noted. You  
3 can answer the question if you're able.

4 THE WITNESS: Can you repeat the  
5 question.

6 BY MR. METCHO:

7 Q. Sure. Are you aware of any time  
8 between November of 2016 and May of 2017 of  
9 your employer checking your credit score?

10 A. I'm not aware of what HR does. I  
11 cannot speak to the fact if they did or didn't.  
12 I can just speak to the fact that I've given  
13 them permission to do so.

14 Q. So again, I'm the attorney for the  
15 defendant in this matter, Ability Recovery  
16 Services. Do you recall speaking with Ability  
17 Recovery Services regarding any accounts?

18 A. I do.

19 Q. When was the first time you spoke  
20 with Ability?

21 A. The first time I spoke with them was  
22 in 2016. I think it was either --

1 I think it was November of 2016.

2 Q. Did you contact Ability? Or did  
3 Ability contact you?

4 A. How do you define "contact"?

5 Q. Did you call Ability? Did Ability  
6 call you? What was the initiation of the  
7 contact with Ability?

8 A. Ability sent me two letters.

9 Q. Okay.

10 A. I called in reference to letters I  
11 received.

12 Q. Do you remember approximately when  
13 you called Ability?

14 A. I do.

15 Q. When was it?

16 A. It was the --

17 I believe it was in the middle of --

18 It was in the middle of December of  
19 2016.

20 Q. Do you remember who you spoke with?

21 A. I don't remember the gentleman's  
22 name.

1 Q. Do you remember what you discussed?

2 A. I do.

3 Q. Can you give me a summary of what  
4 was discussed during the phone call.

5 A. Sure. What was discussed was the  
6 information on the collection letter that they  
7 sent. The letter summarized, indicated that  
8 they had received this debt and that I needed  
9 to respond within 30 days. If they hadn't  
10 heard from me, they were going to assume that  
11 it was mine, and that if it wasn't I should  
12 reach out to them to clear up the matter. So I  
13 called.

14 Q. Do you recall receiving any letters  
15 from Ability?

16 A. The two letters that I got in the  
17 mail.

18 Q. Okay. When was the date of the  
19 first letter? Do you remember approximately?

20 A. I believe they were in --

21 I believe they were 4 November 2016.

22 And I remember, I say that specifically,

1 because I knew I had 30 days, which is why I  
2 called quickly because I don't think I looked  
3 at it until December.

4 Q. Okay. When you received that first  
5 letter did you send any letters back to  
6 Ability?

7 A. I sent no letters to Ability.

8 Q. Okay. So at no point did you send a  
9 letter to Ability disputing the debt?

10 A. No, I did not send them a letter to  
11 dispute the debt. The letter indicated to  
12 call, so that's what I did. I called to  
13 dispute the debt.

14 Q. Did you send a letter to Ability to  
15 request verification of the debt?

16 A. I did not send a letter to Ability  
17 about the debt at all. I called per what the  
18 letter instructed.

19 Q. Okay. After receiving the letter  
20 from Ability did you reach out to the credit  
21 bureaus?

22 A. I did.

1 Q. When was this?

2 A. It was after the phone call in which  
3 after indicating that none of the items on the  
4 letter had anything to do with me, not the  
5 Social Security Number, not the date of birth.  
6 The gentleman then indicated that --

7 Q. The gentleman from who? The credit  
8 bureaus?

9 A. The gentleman from Ability that I  
10 spoke to on the phone.

11 After talking to him, I said: I got  
12 this letter.

13 He said, you know, they weren't sure  
14 if it was mine. They needed to confirm that it  
15 was. I said it wasn't. He mentioned a name.  
16 It wasn't mine. He mentioned a date of birth,  
17 it wasn't mine. He mentioned dependents, I  
18 told him I have none. I thought the matter was  
19 settled. He then indicated that he was going  
20 to report it to the credit bureau. I asked:  
21 How is that possible when the letter indicated  
22 that you got this information, you need to

1 confirm if it was correct. I'm confirming that  
2 it's incorrect.

3 He indicated that he would still  
4 report it to the credit bureaus.

5 Q. Report it how? As disputed?

6 A. He said he would report it as if it  
7 was my debt, and I had --

8 It was my responsibility to go to  
9 the credit bureaus to defend myself.

10 Q. Okay. Now, prior the this time,  
11 again, no documentation was sent by you to  
12 either Ability or Pendrick or the credit  
13 bureaus?

14 A. I'm sorry. You have to repeat that.

15 Q. Prior to this conversation with  
16 Ability, after you had received the letters  
17 from Ability --

18 A. Okay.

19 Q. -- did you send any documentation to  
20 Ability to Pendrick or to the credit bureaus?

21 A. You're going to need to separate  
22 those questions because it's confusing.



1 Q. My apologies. And let me try to  
2 break it down for you.

3 A. Great.

4 Q. So you had this conversation with  
5 Ability regarding the debt and you allegedly  
6 not owing the debt, right?

7 A. That is correct.

8 Q. Okay. At this point did you send  
9 any documentation to Ability regarding the  
10 debt?

11 A. I wasn't requested to do any of  
12 those things, so the answer to that question is  
13 "no". I did not send them a letter. I think I  
14 said that before. That was not the --

15 The nature of the letter was to give  
16 me instructions on how I was to dispute this  
17 debt. I followed the letter. They said to  
18 call. I called. I talked to a gentleman. He  
19 shared some information to confirm that this  
20 was the same person. None of the information  
21 he shared could confirm this was me. I thought  
22 it was done. He then told me that he was going

1 to send it to --

2 He said he still was going to report  
3 it on my credit. So I'm confused about how we  
4 got to this place because the letter indicated  
5 that calling and not being able to confirm the  
6 data was how you dispute it.

7 Q. At this point did you check your  
8 credit report?

9 A. I believe I did check after the  
10 call.

11 Q. When was that?

12 A. That was in December 2016.

13 Q. And was there any indication on your  
14 credit report of any information being reported  
15 by Ability?

16 A. Not at the time of the call.

17 Q. Okay. When was the first time that  
18 you checked your credit report when you saw  
19 information that was being report by Ability?

20 A. When I got a credit alert from my --

21 There's a --

22 I forget what you call it, but it's

1 a credit protection agency that kind of let's  
2 you keep you alert of when things change in  
3 your credit. And as per the conversation I had  
4 with the gentleman from Ability, he did report  
5 it and it did show up as me owing the debt.

6 Q. When did you sign up for that  
7 particular service?

8 A. I've had it for over --

9 At that time over 2 years.

10 Q. How often do you receive  
11 notifications from that service?

12 A. Anytime there's changes to my  
13 credit.

14 Q. Why did you sign up for it?

15 A. I can't recall my thinking at the  
16 time, but I believe there was --

17 I don't know. I thought that was a  
18 good thing to do at the time.

19 Q. Do you pay for it?

20 A. I do.

21 Q. Okay. When was the last time you  
22 made a payment for the service?

1 A. I can't recall.

2 Q. Do you still maintain the service?

3 A. I do maintain the service.

4 Q. Are you aware of any time that your  
5 employer noticed information on your credit  
6 report that was being reported by Ability?

7 A. I cannot speak to what my job saw  
8 that as --

9 I'm not privy to that information.

10 Q. Were you ever --

11 Between November of 2016 and May of  
12 2017 were you reprimanded by your employer  
13 regarding your credit history?

14 A. I have never been reprimanded by my  
15 employer.

16 Q. Between November of 2016 and May of  
17 2017 did you speak with anyone at your place of  
18 employment regarding your credit history?

19 A. I think you asked that already.

20 Q. I'm asking again.

21 MR. GOLDSON: Objection.

22 MR. METCHO: Noted.

1                   You can answer if you're able.

2                   THE WITNESS: Can you repeat the  
3 question.

4 BY MR. METCHO:

5           Q.       Sure. Between November 2016 and May  
6 of 2017 did you have any discussions with  
7 anyone at your place of employment regarding  
8 your credit history?

9           A.       No.

10          Q.       Between November 2016 and May of  
11 2017 were you denied any credit opportunities?

12          A.       State that question again.

13          Q.       Sure. Between November of 2016 and  
14 May of 2017 were you denied any credit  
15 opportunities? For instance, did you attempt  
16 to open up a credit card and were denied? Or  
17 did you attempt to get a car loan and were  
18 denied? Anything of that nature?

19          A.       From November to December I would  
20 say "no". January 2017 when this showed up on  
21 my credit I became very concerned about it  
22 being there: One, because it was inaccurate,

1 and I knew how important my credit is.

2 At that point I can't say that I  
3 applied for any credit, but I didn't go out of  
4 my way to make any decisions relating to my  
5 credit at that time because I believed that it  
6 was something small that we'd eventually get  
7 past it and it wouldn't be an issue.

8 I don't know if that answers your  
9 question.

10 Q. Do you remember how much the debt  
11 was for?

12 A. I think it was \$1500 --

13 Q. Okay.

14 A. -- or so. Give or take.

15 Q. Do you own a car?

16 A. I do.

17 Q. What kind of car do you own?

18 A. A Saturn.

19 Q. When was the last time you made a  
20 payment towards the note on the car?

21 A. I paid for my car in cash. There  
22 was never a note on it.

1 Q. Okay. So you don't have a car  
2 payment, in other words?

3 A. I do not.

4 Q. Um, between -- it's a small  
5 timeframe -- but November of 2016 and May of  
6 2017 did you seek any credit? Did you seek to  
7 open up a credit card? Did you seek an auto  
8 loan? Or anything of that sort?

9 A. I considered purchasing a new car,  
10 but did not due to this particular inaccurate  
11 information on my credit.

12 Q. When was that?

13 A. It was around my birthday.

14 Q. Which was when?

15 A. March 13.

16 Q. Did you still have the same car?

17 A. I do.

18 Q. And when did you purchase that car?

19 A. I purchased that car, I think it was  
20 2000 --

21 March of 2016, I believe.

22 Q. Okay. And still to this day --

1 we're now in February of 2018 -- you still have  
2 the same car?

3 A. I do.

4 Q. You did not attempt to purchase  
5 another car?

6 A. Not until this had been resolved.

7 MR. GOLDSOHN: Just real quick, I'm  
8 going to need to take a really short break  
9 sometime soon, just whenever is good for you  
10 within the next like 10 or so minutes.

11 MR. METCHO: We can take a break now  
12 if you want.

13 (Recess taken at 1:34 p.m.)

14 (Deposition resumed at 1:43 p.m.)

15 BY MR. METCHO:

16 Q. Ms. Long, do you remember the first  
17 time you made a dispute to Ability regarding  
18 the account? In other words, when was the  
19 first time you told Ability that you weren't  
20 responsible for this particular account?

21 A. When I made the phone call in  
22 December.



1 Q. And just give me a brief description  
2 of what was discussed during that call.

3 MR. GOLDSON: Objection. I thought  
4 this was asked and answered.

5 MR. METCHO: Okay. I just --

6 Again, I'm just trying to get some  
7 background information.

8 MR. GOLDSON: Just for the record.

9 MR. METCHO: That's fine.

10 You can answer if you're able.

11 THE WITNESS: Will you repeat the  
12 question.

13 BY MR. METCHO:

14 Q. Sure. When you spoke with Ability  
15 in December of 2016 regarding the account and  
16 you allegedly not being responsible for the  
17 account, what was discussed?

18 Take your time.

19 A. Yeah, that's correct.

20 Sure. What was discussed?

21 We discussed the fact that I  
22 received two letters from them indicating that

1       there was --

2               -- they received information  
3       indicating this was my debt, from their  
4       information that this belonged to me and that  
5       for me to confirm. In doing so, I was to call.  
6       And if they hadn't heard from me in 30 days  
7       they would assume that it was mine. So I got  
8       on the phone, I called them, I said: Hey, I  
9       got this letter. This isn't mine.

10              They said: Okay.

11              They asked me to indicate the  
12       reference number. I gave the reference number.  
13       Then the gentleman asked follow-up questions:  
14       You know, they mentioned a date of birth, it  
15       wasn't mine; they mentioned a name, it wasn't  
16       mine; they mentioned dependents -- I think two  
17       different names -- I said I don't have any  
18       dependents; they said okay.

19              Then the gentleman indicated that I  
20       would have to take this up with the credit  
21       agency. I was perplexed. I said: Wait. I  
22       called you within the timeframe to tell you it

1 wasn't mine. All of the supporting  
2 documentation that you've given me that you  
3 have that you are --

4 -- what you're saying are  
5 identifiers, I said they're not. I don't --  
6 they're not my name, my date of birth, I don't  
7 have any children.

8 He then told me that I would have to  
9 take it up with the credit reporting agency. I  
10 then was confused. I asked him to clarify:  
11 How was that possible when your letter stated  
12 that you got this information, call to confirm,  
13 I told you this isn't mine. How can you still  
14 report it on my credit when all you have is my  
15 name and my address, but none of the other  
16 information relates to that?

17 He then said that he couldn't get  
18 into that, that my only recourse now was to  
19 take it up with my credit agency. We went back  
20 and forth. He continued to say the same thing,  
21 so I said: Okay.

22 And the next month I got an alert,

1 checked my credit. The liability that I called  
2 him earlier before is now on my credit.

3 Q. After that conversation did you have  
4 any further conversations with Ability?

5 A. I did not.

6 Q. Did you receive any additional  
7 letters from Ability?

8 A. I did not.

9 Q. After that conversation did you  
10 contact the credit bureaus?

11 A. I disputed it using, I think it was  
12 Experian. Their site says they will send my  
13 dispute to all the other agencies. So that's  
14 what I did.

15 Q. What happened as a result of that?

16 A. They sent me correspondence, I think  
17 it was via --

18 You had to go back to the site and  
19 it indicated they had indicated this was my  
20 debt.

21 Q. When was the last time you checked  
22 your credit report when you saw that there was

1 information being furnished by Ability?

2 A. I don't understand your question.

3 Q. All right. Let me step back.

4 When was the first time you  
5 recognized that Ability was furnishing  
6 information to the credit bureaus regarding the  
7 account at issue?

8 A. When I got an alert.

9 Q. Do you remember when that was?

10 A. It was in --

11 It was in like a month later. In  
12 January 2017.

13 Q. Okay. And when was the last time  
14 you checked your credit report and saw that  
15 there was information being furnished by  
16 Ability?

17 A. When was the last time that I saw --  
18 I'm still not understanding what  
19 you're asking.

20 Q. Okay. Let me try to rephrase it.

21 When was the last time you checked  
22 your credit report and saw on your credit

1 report that there was information that was  
2 being furnished by Ability?

3 A. Sometime in September in the Fall.

4 Q. Of what year?

5 A. 2017.

6 Q. Okay. When was the last time you  
7 checked your credit report?

8 A. A couple weeks ago, a week and a  
9 half ago.

10 Q. Is there still information being  
11 furnished by Ability?

12 A. No.

13 Q. So you have referenced earlier that  
14 when you began your employment you had filled  
15 out some type of documentation more or less  
16 giving your employer the ability to check your  
17 credit history, correct?

18 A. I said that they had --

19 I gave them permission to do a  
20 background check.

21 Q. Can you describe this particular  
22 documentation for me.

1           A.       It's a sheet that says you give them  
2       permission --

3                    You fill out your address, your  
4       Social Security Number, and they're saying  
5       you're giving us permission to run a background  
6       check on you.

7           Q.       After filling out this documentation  
8       did you receive any feedback from your  
9       employer?

10                   MR. GOLDSON:   Objection.

11                   MR. METCHO:   Basis?

12                   MR. GOLDSON:   Asked and answered.

13                   MR. METCHO:   Objection noted.

14                   You can answer if you're able.

15                   THE WITNESS:   I was hired.

16       BY MR. METCHO:

17           Q.       Okay.   How long have you been at --

18                   And again, I may have asked this.

19       Just to refresh my memory, how long have you  
20       been at your current place of employment?

21           A.       A year and 5 months.

22           Q.       During that time period have you

1     been reprimanded in any way?

2             MR. GOLDSON:   Objection.

3             MR. METCHO:    Basis?

4             MR. GOLDSON:   Asked and answered.

5             MR. METCHO:    You can --

6             Objection noted.

7             You can answer if you're able.

8             THE WITNESS:   No.

9     BY MR. METCHO:

10            Q.     During this particular time period  
11     have you been promoted?

12            A.     During what time period?

13            Q.     Throughout your employment?

14            A.     Employment where?

15            Q.     At your current place of employment.

16            A.     Yes.

17            Q.     How many times?

18            A.     Once.

19            Q.     When was --

20            When did that occur?

21            A.     Define "promotion".

22            Q.     Did you obtain different employment



1 positions?

2 A. I got an official promotion in  
3 September of 2017.

4 Q. Did this particular position come  
5 with a salary increase?

6 A. It did.

7 Q. Have you received salary increases  
8 throughout your employment?

9 A. Yes.

10 Q. When was the last time you received  
11 a salary increase?

12 A. September 2017.

13 Q. So you allege in your complaint that  
14 you were leery of potentially losing your job  
15 over this trade line information that was being  
16 reported. Is that correct?

17 A. Repeat the question.

18 Q. Sure. You allege in your  
19 complaint --

20 Here, I can actually bring the  
21 document up. I can read it to you verbatim.  
22 In Paragraph 57 you state that: You suffered

1 actual damages, economic damages, and damages  
2 regarding credit damage, anxiety,  
3 sleeplessness, emotional distress from the  
4 prospect of job loss.

5 What made you think that you were  
6 going to lose your job over this?

7 MR. GOLDSON: Objection.

8 MR. METCHO: Basis?

9 MR. GOLDSON: Form.

10 MR. METCHO: You can answer if  
11 you're able.

12 THE WITNESS: Repeat the question.

13 BY MR. METCHO:

14 Q. Sure. In Paragraph 57 you state  
15 that you suffered actual damages, and one of  
16 these damages included a prospect of job loss.  
17 What made you think that Ability's attempt to  
18 recover this debt was going to lead to you  
19 losing your job?

20 A. When I was hired my background  
21 information presented a different version than  
22 what this trade line was now representing.

1 This trade line was representing that I was  
2 irresponsible, I owed a debt and did not pay.  
3 And all of that is inaccurate.

4 Q. Are you aware of anyone at your  
5 place of employment seeing this particular  
6 trade line being reported?

7 A. What I can speak to is that when I  
8 was hired I had given them permission to do a  
9 background check, I provided my Social Security  
10 Number.

11 Q. Did anyone at your place of  
12 employment bring this trade line information  
13 that was being reported by Ability to your  
14 attention at any time?

15 A. No.

16 Q. Did you lose your job?

17 A. No.

18 Q. You also allege in Paragraph 57 that  
19 you had fear of hard earned money being taken  
20 away from you, although you just testified  
21 under oath that you received a promotion in  
22 2017?

1           A.       I received a promotion  
2           September 2017. This was reported  
3           January 2017.

4           Q.       Okay.

5           A.       So from that time to that time I had  
6           no idea what could happen to me at that point.

7           Q.       Did you have any money taken away  
8           from you by your employer during that time  
9           period?

10          A.       Define "taken away".

11          Q.       Was there a --

12                   Did you lose salary? Did your  
13           salary decrease during that time period?

14          A.       No, it did not.

15          Q.       You have a claim in your  
16           complaint -- if I can find the particular  
17           paragraph -- it's Count 2 for defamation. Are  
18           you aware of anyone other than yourself being  
19           aware of this information that was being  
20           furnished by Ability on your credit report?

21          A.       Repeat the question.

22          Q.       Sure. The information that Ability

1 was furnishing on your credit report regarding  
2 the debt, are you aware of anyone else seeing  
3 this information?

4 A. What I can speak to is that anyone  
5 who had access to, who had regular access to my  
6 credit report could in fact see it.

7 Q. Are you aware of anyone seeing it?

8 A. I'm aware of them having the ability  
9 to access and see it.

10 Q. But are you aware of anyone seeing  
11 it?

12 A. I'm aware of them having the access  
13 to see. I can't speak to what other people do.

14 Q. It's a "yes" or "no" question.

15 A. I can speak to them having the  
16 ability to access and see.

17 Q. Was it ever brought to your  
18 attention that anyone saw this information on  
19 your credit report regarding the debt that was  
20 being reported by Ability?

21 A. Define "brought to my attention".

22 Q. I'm asking the questions, ma'am.

1           A.       I'm asking for clarity on the  
2 question, sir.

3                   MR. GOLDSON:   Objection.

4           BY MR. METCHO:

5           Q.       Okay.   Was it ever brought to your  
6 attention that anyone saw this information that  
7 was being furnished by Ability on your credit  
8 report?

9           A.       I can speak to individuals having  
10 access to see.

11          Q.       Again, it's a "yes" or "no"  
12 question.

13          A.       I can speak to them having access to  
14 see.

15          Q.       Did they see it?

16                   MR. GOLDSON:   Objection.

17                   MR. METCHO:   Basis?

18                   MR. GOLDSON:   Asked and answered.

19                   MR. METCHO:   I didn't get an answer  
20 to the question.

21                   MR. GOLDSON:   You've got plenty of  
22 answers to the question.

1 MR. METCHO: That's not an answer.

2 It's a "yes" or "no" question.

3 MR. GOLDSON: She's given her  
4 answer.

5 MR. METCHO: It's not an answer.  
6 We'll issue additional written discovery on  
7 that question -- that's fine -- in the form of  
8 a request for admissions.

9 BY MR. METCHO:

10 Q. What types of economic damages did  
11 you suffer as a result of this collection  
12 activity?

13 A. Well, one, it presented loss of  
14 opportunity.

15 Q. What opportunities did you lose?

16 A. Opportunities to purchase a new car  
17 and get a discounted credit rate because this  
18 is a derogatory information. If I had bought a  
19 car in 2016 it would be an issue. When I try  
20 to buy one in 2017 now I have the possibility  
21 of an increased interest rate that --

22 Q. When did you try to purchase a car

1 in 2017?

2 A. I spoke to --

3 I was considering purchasing a car  
4 on my birthday, as you asked previously.

5 Q. Okay.

6 A. So you asked about economic damages.  
7 I see that as a missed opportunity because I am  
8 now in a holding pattern of not being able to  
9 make free economic decisions on my behalf  
10 because of inaccurate reporting.

11 Q. But this is no longer being reported  
12 on your credit report, correct?

13 A. As of a couple weeks ago, no, I  
14 didn't see it.

15 Q. So what's keeping you from buying a  
16 car now?

17 A. I haven't had the time. But I  
18 believe your question was during that  
19 timeframe. Did I misunderstand your question?

20 Q. No, that's okay.

21 A. That's what you were saying. I just  
22 want to make sure I'm answering correctly. So



1 if that's not what you meant, please clarify.

2 Q. We'll move on. That's fine.

3 What types of inconvenience did you  
4 suffer as a result of Ability attempting to  
5 recover this debt?

6 A. Um, inconvenience of having to  
7 prolong a purchase of a car, the inconvenience  
8 of having the opportunity to refinance my house  
9 if I chose to, the inconvenience of having to  
10 freely move in the market without having to be  
11 concerned about what inaccurate reporting --  
12 -- what options it would leave me.

13 Q. What do you mean by "options"?

14 A. Relating to, for example, let's say  
15 buying a car. An interest rate of 1.5 or an  
16 interest rate of 5.7. Those are different  
17 options based on what I have consistently --

18 I've done my very best to ensure  
19 that I pay my debts on time. That not only is  
20 a reflection of my financial responsibility,  
21 but my character. So when you're making  
22 financial decisions how they lend you money

1 depends on how you have previously handled  
2 money. And this information being reported is  
3 inaccurate about how I handle money.

4 Q. Did you speak financing during that  
5 particular time period?

6 A. As I spoke to the question earlier,  
7 I indicated once the information was furnished  
8 I held off on pursuing options hoping that this  
9 would be resolved quickly.

10 Q. And it was resolved, correct?

11 A. Define "resolved", because we're  
12 here today. So what do you mean by "resolved"?

13 Q. It was taken off your credit report,  
14 correct?

15 A. Yes, it was.

16 Q. And when was that?

17 A. I checked my credit report a couple  
18 of weeks ago, it was not there.

19 Q. And since that particular date have  
20 you applied for any type of financing?

21 A. Not as of yet.

22 Q. You allege in your complaint that

1 you had anxiety and sleeplessness. When was  
2 the last time you experienced these two  
3 attributes?

4 A. Last night preparing before I came  
5 to this deposition.

6 Q. What about prior to then?

7 A. Let's see. It depends on how  
8 frequently I think about this.

9 Q. Your counsel had earlier handed me  
10 this document, which I'll hand to the Court  
11 Reporter and we'll mark this as Exhibit A.

12 (Exhibit 1 marked for  
13 identification.)

14 Can you describe this document for  
15 me, please.

16 A. Sure. It is a notification from  
17 Mint.

18 Q. What's Mint?

19 A. Mint is an app that I use to help  
20 manage my finances.

21 Q. In what way?

22 A. Maintains my budgets, as well as

1 savings goals, as well as they keep me  
2 up-to-date on my credit score change.

3 Q. When did you obtain this document?

4 A. I believe it was in the Fall of  
5 2017.

6 Q. Why wasn't this document produced  
7 along with your discovery responses?

8 A. I can't speak to the date when, but  
9 I know it was --

10 It was in the Fall when I received  
11 it.

12 Q. Is there a particular date on that  
13 document?

14 A. Not from what I can see.

15 Q. Does that document state exactly why  
16 your alleged interest rate went up?

17 A. It does not state why, it just  
18 states that it did.

19 Q. Had you applied for credit prior to  
20 when you received that document?

21 A. Not that I can recall.

22 Q. Could this particular notification

1 have something to do with your balance on your  
2 Sealy's card?

3 MR. GOLDSON: Objection.

4 MR. METCHO: As to?

5 MR. GOLDSON: Form.

6 MR. METCHO: You can answer if  
7 you're able.

8 THE WITNESS: Repeat the question.

9 BY MR. METCHO:

10 Q. Sure. Is it possible that this --  
11 -- you received this notification  
12 due to the balance that's on your Sealy's card?

13 A. I can't speak to that. I don't  
14 know.

15 Q. Are you currently content with your  
16 place of employment?

17 A. Define "content".

18 Q. Sure. Are you happy with your work?

19 A. Yeah. I thoroughly enjoy my work.

20 Q. Do you plan on staying there?

21 A. Planning on staying? What's that  
22 mean?

1 Q. At your place of employment.

2 A. I'm not ready to try to answer that  
3 10 years from now, 20 --

4 I can't speak to --

5 Q. Within the next year.

6 A. I can't speak to what I plan to do  
7 in the future.

8 Q. Did this particular account or  
9 Ability's attempt to recover the account have  
10 any effect whatsoever on your employment  
11 status?

12 A. Repeat the question.

13 Q. Sure. Ability's attempts to recover  
14 this debt obligation at issue, did it have any  
15 type of effect on your employment status?

16 A. Ability's inaccurate reporting on my  
17 credit?

18 MR. GOLDSON: Just, I'm going to put  
19 an objection on the record as to form.

20 MR. METCHO: Okay. You can answer  
21 if you're able.

22 THE WITNESS: Repeat the question.

1 BY MR. METCHO:

2 Q. Sure. Ability's attempt to recover  
3 the debt obligation at issue, did it have any  
4 type of effect on your employment?

5 A. Ability's inaccurate reporting of  
6 the debt on my credit became an issue for me in  
7 the sense that when I was hired that was not  
8 the credit reflection or the background  
9 information they received and it was also  
10 inaccurate, and now it's being presented and it  
11 opened up to the possibility for an effect on  
12 how I was viewed and my ability to keep their  
13 trust in handling their money.

14 Q. You're not aware of anybody at your  
15 place of employment seeing this information on  
16 your credit report, right?

17 A. I can't speak to what they have done  
18 with it. I don't know.

19 Q. And you had mentioned earlier that  
20 you've been getting salary raises throughout  
21 your employment, correct?

22 A. I spoke that I had a promotion in

1 September of 2017.

2 Q. So it hasn't taken away from your  
3 ability to work, correct?

4 A. Repeat the question.

5 Q. It hasn't taken away --  
6 Ability's attempts to recover the  
7 account at issue has not taken away from your  
8 ability to make a leaving to earn a salary,  
9 correct?

10 A. It's inaccurate reporting has  
11 potentially threatened my ability to earn if I  
12 chose to leave my job as I would then be  
13 subject to the same background information, and  
14 this information would be inaccurate and it  
15 would be a reflection of my understanding of my  
16 trustworthiness, particularly in a role in  
17 which I have access to large sums of money.

18 Q. But it's no longer on your credit  
19 report, right?

20 MR. GOLDSON: Objection.

21 MR. METCHO: Basis?

22 MR. GOLDSON: Asked and answered.



1 MR. METCHO: You can ask if you're  
2 able.

3 You can answer if you're able.  
4 Excuse me.

5 THE WITNESS: Repeat the question.

6 BY MR. METCHO:

7 Q. The information that --  
8 -- regarding Ability's attempt to  
9 collect a debt is no longer on your credit  
10 report, correct?

11 A. From my understanding, yes.

12 Q. Okay. Are you aware that probably  
13 about a week ago myself on behalf of both  
14 Ability and Pendrick had issued to your counsel  
15 what's called an Offer of Judgment Pursuant to  
16 Federal Rule of Civil Procedure 68?

17 A. Am I aware of --

18 Q. Were you aware of that?

19 A. Yes.

20 Q. Okay. And it's still your position  
21 today that you're not going to accept the Offer  
22 of Judgment?

1 MR. GOLDSON: Objection.

2 MR. METCHO: Basis?

3 MR. GOLDSON: Form and privilege.

4 BY MR. METCHO:

5 Q. Okay. Um, let me ask you this:

6 What are you looking for here?

7 MR. GOLDSON: Objection.

8 MR. METCHO: Basis?

9 MR. GOLDSON: Form --

10 MR. METCHO: Okay. You can answer  
11 if you're able.

12 MR. GOLDSON: -- and harassment.

13 MR. METCHO: Harassment?

14 MR. GOLDSON: On the record, form  
15 and harassment.

16 BY MR. METCHO:

17 Q. You can answer. You filed a lawsuit  
18 against several defendants here. What is your  
19 ultimate outcome of this litigation?

20 A. I'm not sure.

21 MR. METCHO: Okay. That's all I  
22 have right now.

EXAMINATION

BY MR. MARCUS:

Q. I probably have about 5 minutes of questions.

Ms. Long, again, I'm Morgan Marcus. I represent Pendrick. Your current job you're at Trusted Health Plans Incorporated, correct?

A. That is correct.

Q. And based upon your interrogatory responses that your attorney's provided to me, it indicates that you started there, I believe, September of --

-- September 12, 2016. Does that sound accurate?

A. Yes.

Q. So when did you actually apply to work at Trusted Health Plans Inc?

A. That was June 2016.

Q. And you indicated earlier that you provided --

-- that you signed a document, I believe you said, providing your employer the

1 ability to check your credit. Is that correct?

2 A. That is correct.

3 Q. And when exactly would you have  
4 signed that document? Do you recall?

5 A. When I applied during my  
6 application --

7 Q. Would that have been --

8 A. -- process.

9 Q. I'm sorry for interrupting you.  
10 So that would have been June of  
11 2016?

12 A. That's correct.

13 Q. And if you can recall the specific  
14 document that you signed, did it give them the  
15 ability to only check your credit report during  
16 the application process?

17 A. I can't recall.

18 Q. Did it give them the ability to  
19 continuously check your credit report?

20 A. It gave them permission. I can't  
21 speak to --

22 It gave them permission to check my

1 background. It did not indicate that it was  
2 for a window of time.

3 Q. But it was for the purposes of your  
4 application. Is that correct?

5 A. It was the purpose of employment.  
6 You were required to complete and pass before  
7 being hired.

8 -- in a condition of hire.

9 Q. And to your knowledge did they  
10 provide --

11 Did those documents have been  
12 provided --

13 Strike that.

14 You signed that document. Is that  
15 correct?

16 A. I did sign the document.

17 Q. And did they provide you a copy of  
18 that document? To your recollection.

19 A. Um, I can't recall.

20 Q. You indicated just now that one of  
21 your concerns was about potentially if you have  
22 to look for other jobs. Have you looked for

1 any jobs since December of 2016?

2 A. I've --

3 I have been --

4 I have checked in and out to see

5 what the job market looked like. Yes.

6 Q. What do you mean by that?

7 A. I've looked at job posting sites. I

8 have looked at what my skill set earning

9 potential was during that time.

10 Q. And have you applied for any jobs

11 during that time period?

12 A. I had, yes.

13 Q. And where was that to?

14 A. Several. I can't list them all.

15 Q. When would that have happened?

16 A. That was back in, I would say, May

17 of 2017.

18 Q. And you submitted applications. Is

19 that what you're saying?

20 A. That is correct.

21 Q. You don't remember any of these

22 companies that you submitted applications to?

1           A.       One was for sure was Bond. It was a  
2       healthcare company in Columbia. And they  
3       request that I give permission to --

4                   -- for not just a background, but  
5       they specified a credit check.

6           Q.       To your knowledge did they do a  
7       credit check?

8           A.       I'm not sure. I wasn't selected for  
9       the job.

10          Q.       Any other companies that you  
11       submitted applications to?

12          A.       None that I can recall.

13          Q.       What was this company called? Bond?

14          A.       Bond. I can't think of the name. I  
15       think it was --

16                   It was a Catholic healthcare company  
17       in Columbia. I think it was Bond SE something.  
18       I can't think of the name. It was a different  
19       name. I can't remember.

20          Q.       And what was the position that you  
21       were applying for?

22          A.       I believe it was --

1 I believe it was a Controller role  
2 or a Finance Manager role.

3 Q. And did they give you any reason --

4 Well, strike that.

5 You submitted your documents to  
6 them, and did they bring you in for an  
7 interview?

8 A. They did not.

9 Q. And did they give you any reason why  
10 you weren't selected?

11 A. They did not.

12 Q. Ms. Long, you never had any direct  
13 contact with Pendrick, right?

14 A. What do you define as "direct"?

15 Q. Did you ever have any telephone  
16 conversations with Pendrick directly?

17 A. No.

18 Q. Did you ever send any written  
19 communications directly to Pendrick?

20 A. No.

21 Q. Did you ever receive anything  
22 directly from Pendrick?



1 A. Define "directly".

2 Q. Did you ever receive any mailing  
3 that came specifically from Pendrick, and not  
4 from some other agency?

5 A. I received a letter from Ability on  
6 behalf of Pendrick. I don't know if that's  
7 considered direct, but that's what I received.

8 Q. Other than the letters that you  
9 received from Ability, did you receive anything  
10 else?

11 A. No.

12 Q. You indicated earlier that you have  
13 three credit cards. Since December --

14 Have you had those three same credit  
15 cards since December 2016?

16 A. Yes.

17 Q. I believe it was Chase, Barclay's  
18 and Sealy's, you said?

19 A. That's correct.

20 Q. So continuously from December 2016  
21 to today you've had those three cards, correct?

22 A. That's correct.

1 Q. Other than that you haven't had any  
2 other cards?

3 A. Not that I can recall.

4 Q. Have you ever missed any payments on  
5 those cards?

6 A. No.

7 Q. Have you ever been --

8 On any debt have you ever missed a  
9 payment on any debt? Not just those three  
10 cards, any debt.

11 A. In what time period?

12 Q. Ever.

13 A. I'm sure when I was in college.

14 Q. And which debt was it? If you have  
15 any idea.

16 A. I don't know.

17 Q. You think you may have missed one in  
18 college?

19 A. You said "late".

20 Q. I'm sorry. Say that one more time.

21 A. You said "late".

22 Q. Yes.

1           A.       Yeah, I'm sure I was late on a  
2       payment. This was long before banks did the  
3       payments for you. This was when you actually  
4       had to mail stuff in.

5           Q.       Have you ever defaulted on any debt?

6           A.       Define "default".

7           Q.       Made a payment past a payment due  
8       date.

9           A.       So would that be considered late?  
10       Or is that considered default?

11          Q.       Well, I think it depends on your  
12       cardholder agreement. But have you made a  
13       payment past the payment due date that you  
14       negotiated with whatever entity that you got  
15       the credit from?

16          A.       Depending what time period are we  
17       talking about?

18          Q.       Ever.

19          A.       I'm sure I did.

20          Q.       And it's your position that you  
21       never missed a payment with those three ones we  
22       talked about -- Chase, Barclay's and Sealy's?

1 A. That is correct.

2 Q. When did you get the Chase card?

3 A. I can't recall that. That's  
4 probably my oldest credit card.

5 Q. Has it been more than 5 years?

6 A. I would say so, probably. I can't  
7 specify the date. I don't know.

8 Q. Do you know what the credit limit is  
9 on your Chase credit card?

10 A. In terms of what time period?

11 Q. December 2016 'til May of --  
12 -- I think May of 2017.

13 A. I think it was 1600.

14 Q. And have you ever gone above your  
15 credit limit --

16 A. Yes.

17 Q. -- during that time period?

18 A. During that time period? I can't  
19 recall.

20 Q. And when I asked you if you had ever  
21 gone above that credit limit on that card, you  
22 indicated the answer was "yes"?

1 A. I can't recall.

2 Q. Do you recall what the initial  
3 interest rate was on the Chase card?

4 A. No, I do not.

5 Q. Your attorneys provided the document  
6 that we've titled Long 1, which is in front of  
7 you.

8 A. Uh-huh.

9 Q. It indicates that your interest rate  
10 was 27.99 percent at some point. Do you know  
11 when it started --

12 -- when it went to 27.99 percent?

13 A. No, I do not recall.

14 Q. I want to provide you a document  
15 that your attorney provided to me. It's  
16 plaintiff's production Bates labeled 100. I  
17 want you to take a second to review that, Ms.  
18 Long.

19 For the record, why don't we mark  
20 that as Long 2.

21 (Exhibit 2 marked for  
22 identification.)

1 Ms. Long, do you recognize this  
2 document? Do you know what this document is?

3 A. It is --

4 It looks like a snapshot of my  
5 credit report for my Chase card from  
6 TransUnion.

7 Q. And the top left indicates this was  
8 from April 26, 2017. Is that correct?

9 A. That is also correct.

10 Q. And it's showing --

11 Is this the Chase card that we've  
12 been talking about?

13 A. Yes.

14 Q. And it shows the usage is  
15 107 percent. Is that correct?

16 A. That's what it says. Yes.

17 Q. Okay. Since the Ability trade line  
18 was reported, have you had a conversation with  
19 anyone at your current employment regarding the  
20 trade line?

21 A. I think I answered this, but do I  
22 answer it for your response?

1 Q. I don't believe it was answered, but  
2 if it has been then the question is being  
3 restated.

4 A. Can you repeat the question.

5 Q. Since --

6 Why don't we have the Court Reporter  
7 repeat it so we make sure she can state it  
8 correctly.

9 (Court Reporter read back.)

10 A. I've not had any conversations about  
11 it --

12 -- this trade line with my current  
13 employer.

14 Q. And have you been provided with any  
15 documents from your current employer indicating  
16 that they have reviewed your credit report?

17 A. I have received no documents.

18 MR. MARCUS: That's all I have.

19 MR. GOLDSOHN: Just for the record,  
20 Long 1 and Long 2 are both marked confidential,  
21 and we do intend to mark portions of the  
22 deposition relating to personal information,

1 financial and other personal information, as  
2 confidential on this deposition as well, but  
3 that's it. I don't have any questions.

4 Read and sign.

5 MR. METCHO: Regular.

6 MR. GOLDSON: Copy, yes.

7 MR. MARCUS: I'll hold out for now.

8 (Deposition concluded at 2:24 p.m.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22



DEPOSITION ERRATA SHEET

Our Assignment No. J1529142

Case Caption:

Crystal Long

vs.

Pendrick Capital Partners, II, LLC, et al

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Crystal M. Long

CRYSTAL M. LONG  
LONG vs ABILITY RECOVERY SERVICES

February 19, 2018

80

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

Crystal M. Long

CRYSTAL M. LONG  
LONG vs ABILITY RECOVERY SERVICES

February 19, 2018

81

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

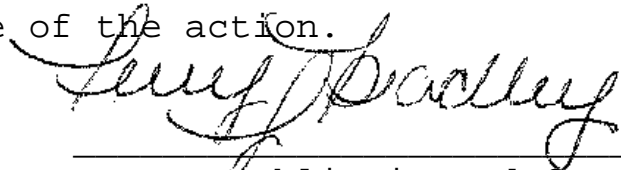
Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

Crystal M. Long

## 1 CERTIFICATE OF NOTARY PUBLIC

2 I, Terry L. Bradley, the officer before  
3 whom the foregoing deposition was taken, do  
4 hereby certify that the witness whose testimony  
5 appears in the foregoing deposition was duly  
6 sworn by me; that the testimony of said witness  
7 was taken by me in shorthand and thereafter  
8 reduced to computerized transcription under my  
9 direction; that said deposition is a true  
10 record of the testimony given by said witness;  
11 that I am neither counsel for, related to, nor  
12 employed by any of the parties to the action in  
13 which this deposition was taken; and further,  
14 that I am not a relative or employee of any  
15 attorney or counsel employed by the parties  
16 hereto, nor financially or otherwise interested  
17 in the outcome of the action.

18   
19 \_\_\_\_\_  
20 Notary Public in and for  
21 the State Of Maryland  
22

My Commission expires: November 15, 2019

Confidential

Long  
1

📶 T-Mobile Wi-Fi

10:11 AM

📶 40%

⏪ Inbox



From: Mint



To: Crystal Long

Hide

## Interest rate change on Chase Bank credit card

Yesterday at 8:29 PM



### Your credit card interest rate went up

The interest rate on your account CHASE SLATE changed by 0.25% from 27.99% to 28.24%. Your current balance is \$1,470.85.

Contact Chase Bank to see why.  
Go to <https://www.chase.com/>. Or apply for a card with a lower interest rate.



4/26/2017

CRYSTAL M LONG - TransUnion  
Date of Report: Apr 26, 2017<https://usa.experian.com/#/print/transunion/201704261433038625>**Confidential**

✓ CHASE CARD 41858633XXXX Open

**ACCOUNT DETAILS**

Account Name CHASE CARD  
Account # 41858633XXXX  
Account Status Open

Last Updated Apr 11, 2017

Account Type Revolving account

Date Opened Mar 8, 2005

Balance \$1,706

Credit Limit \$1,600

Monthly Payment \$55

Past Due Amount \$0

Payment Status Paid or paying as agreed

Highest Balance \$2,205

Terms Minimum

Responsibility Individual account

Comments

**CREDIT USAGE**

High Credit Usage

Keeping your account balances as low as possible can have a positive impact on your credit.

107%

**CONTACT INFORMATION**

P.O. BOX 15298  
WILMINGTON, DE 19850  
(800) 432-3117

**PAYMENT HISTORY**

| 2017 |     |     | 2016 |     |     | 2015 |     |     |
|------|-----|-----|------|-----|-----|------|-----|-----|
| Jan  | Feb | Mar | Jan  | Feb | Mar | Jan  | Feb | Mar |
| OK   | OK  | OK  | OK   | OK  | OK  | OK   | OK  | OK  |
| May  | Jun | Jul | May  | Jun | Jul | May  | Jun | Jul |
| OK   | OK  | OK  | OK   | OK  | OK  | OK   | OK  | OK  |
| Sep  | Oct | Nov | Sep  | Oct | Nov | Sep  | Oct | Nov |
| OK   | OK  | OK  | OK   | OK  | OK  | OK   | OK  | OK  |
| Dec  |     |     | Dec  |     |     | Dec  |     |     |
| OK   |     |     | OK   |     |     | OK   |     |     |
| 2014 |     |     | 2013 |     |     |      |     |     |
| Jan  | Feb | Mar | Jan  | Feb | Mar |      |     |     |
| OK   | OK  | OK  | OK   | OK  | OK  |      |     |     |
| May  | Jun | Jul | May  | Jun | Jul |      |     |     |
| OK   | OK  | OK  | OK   | OK  | OK  |      |     |     |
| Sep  | Oct | Nov | Sep  | Oct | Nov |      |     |     |
| OK   | OK  | OK  | OK   | OK  | OK  |      |     |     |
| Dec  |     |     | Dec  |     |     |      |     |     |
| OK   |     |     | OK   |     |     |      |     |     |

4/26/2017

<https://usa.experian.com/#/printtransunion/201704261433038625>

Confidential

- Summary
- Accounts (Open)
- Collections
- Inquiries
- Public Records
- Credit Score